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December 8, 2022

VIA E-MAIL

The Honorable Lorna G. Schofield  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: Case Management Plan for *King v. Habib Bank Ltd.*, Case No. 20-cv-4322-LGS**

Dear Judge Schofield:

Pursuant to the Court's memo endorsement regarding the parties' prior proposed case management plan, Dkt. No. 72, the parties hereby submit this joint letter regarding the selection of bellwether plaintiffs.

Pursuant to the proposed bellwether selection plan in the parties' letter to the Court dated November 17, 2022 (Dkt. No. 70), Plaintiffs proposed a slate of bellwether plaintiffs to Defendant on November 23, 2022. The parties conferred and have reached an agreement regarding the selection of bellwether plaintiffs. The parties propose 12 bellwether plaintiffs. In selecting the proposed bellwether plaintiffs, the parties sought a representative cross-section of the attacks alleged in the consolidated complaints. The attacks associated with the bellwether plaintiffs occurred over a time span from 2011 to 2016 across a number of Afghan provinces. In addition, the attacks represent varying types of attacks and combinations of terrorist groups that allegedly conducted the attack. One bellwether plaintiff is proposed for each attack. The proposed bellwether plaintiffs and the alleged terror groups are listed below:

1. February 27, 2011 Attack
  - a. Type: IED attack
  - b. Group: the Haqqani Network, a part of the Taliban
  - c. Geography: Ghazni Province, AFG

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- d. Proposed Bellwether Plaintiff: James Gould (father of SGT Kristopher Gould, KIA)
- 2. August 6, 2011 Attack
  - a. Type: RPG on Helicopter
  - b. Group: jointly committed by al-Qaeda and the Taliban, including its Haqqani Network
  - c. Geography: Wardak Province, AFG
  - d. Proposed Bellwether Plaintiff: Frederick Benson (father of SOC (SEAL) Darrick Benson, KIA)
- 3. October 29, 2011 Attack
  - a. Type: Suicide Attack on a US military bus
  - b. Group: Jointly committed by al-Qaeda, the Taliban, including its Haqqani Network, acting together as the Kabul Attack Network
  - c. Geography: Kabul Province, AFG
  - d. Proposed Bellwether Plaintiff: August Wildman (Cabrera) (Widow of LTC David Cabrera, KIA)
- 4. May 20, 2012 Attack
  - a. Type: Suicide Attack against a checkpoint
  - b. Group: Jointly committed by al-Qaeda and the Taliban
  - c. Geography: Uruzgan Province, AFG
  - d. Proposed Bellwether Plaintiff: Captain Ryan G. Timoney (U.S. Army, Ret.) (primary victim)
- 5. August 8, 2012 Attack
  - a. Type: Suicide Attack
  - b. Group: AQ, the Taliban, and LeT, acting together in a joint cell
  - c. Geography: Kunar Province, AFG
  - d. Proposed Bellwether Plaintiff: Matt Griffin (brother of CSM Kevin Griffin, KIA)
- 6. June 23, 2013 Attack
  - a. Type: IED
  - b. Group: The Haqqani Network, a part of the Taliban, and al-Qaeda, acting together in a joint cell
  - c. Geography: Paktika Province, AFG
  - d. Proposed Bellwether Plaintiff: SGT Brandon Korona (primary victim)

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7. August 7, 2016 Attack
  - a. Type: Kidnapping
  - b. Group: Committed by the Haqqani Network, a part of the Taliban
  - c. Geography: Kabul Province, AFG
  - d. Proposed Bellwether Plaintiff: Kevin King (primary victim)
8. September 25, 2011, Attack
  - a. Type: Insider attack
  - b. Group: Taliban (including the Haqqani Network) and al-Qaeda
  - c. Geography: Kabul Province, AFG
  - d. Proposed Bellwether Plaintiff: Alex Henigan (son of Jay Henigan)
9. March 19, 2012
  - a. Type: IED
  - b. Group: Haqqani Network, a part of the Taliban
  - c. Geography: Khost Province, AFG
  - d. Proposed Bellwether Plaintiff: Charlette Gilbert (stepdaughter of SSG Mecolus C. McDaniel)
10. September 1, 2012
  - a. Type: Small arms attack
  - b. Group: Haqqani Network (a part of the Taliban)
  - c. Geography: Ghazni Province, AFG
  - d. Proposed Bellwether Plaintiff: Katherine Abreu-Border (sister of SSG Jeremie Border)
11. November 3, 2012
  - a. Type: IED
  - b. Group: Haqqani Network and al-Qaeda
  - c. Geography: Paktia Province, AFG
  - d. Proposed Bellwether Plaintiff: Paul Jayne (father of SPC Ryan Jayne)
12. November 12, 2016
  - a. Type: Suicide bombing
  - b. Group: Taliban
  - c. Geography: Parwan, AFG
  - d. Proposed Bellwether Plaintiff: Marissa Brown (widow of SFC Allan Brown)

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The parties jointly request that the Court accept the parties' proposed slate of bellwether plaintiffs and stay the claims of the remaining plaintiffs. If the claims of the bellwether plaintiffs proceed to trial, the parties propose having a single trial with all bellwether plaintiffs. After the resolution of bellwether plaintiffs' claims, the parties will confer regarding how to proceed with the remaining plaintiffs' claims.

/s/ Ian M. Gore

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